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FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Alberto DE ZABALA

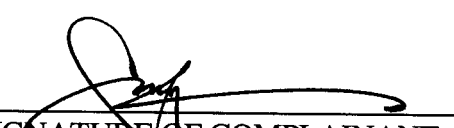
Defendant,

Magistrate Case No. CP'08 MJ 05 03
DEPUTYCOMPLAINT FOR VIOLATION OFTitle 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Illegal Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 20, 2008**, within the Southern District of California, defendant **Jose Alberto DE ZABALA**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **C.M.R.**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **21st** day of **February, 2008**.


 UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

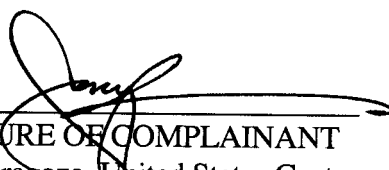
The complainant states that **C.M.R** is a citizen of a country other than the United States; that said alien has admitted he is deportable; that his testimony is material; that it is impracticable to secure his attendance at trial by subpoena; and that he is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 20, 2008 at approximately 4:48 am **Jose Alberto DE ZABALA (Defendant)** made application for admission into the United States at the Otay Mesa Port of Entry as the driver and sole visible occupant of a red 1987 Mitsubishi pick up. Defendant presented his valid California identification card and California birth certificate as proof of identity and citizenship to a U.S. Customs and Border Protection (CBP) Officer. Defendant stated he was going to work at "Factory-2-U" and stated he was not bringing anything from Mexico. The CBP Officer noticed Defendant was hesitant to answer questions and appeared nervous. During a cursory inspection of the vehicle, the CBP Officer discovered a minor concealed behind the seat of the pick up truck. Defendant and vehicle were escorted to vehicle secondary for a more thorough inspection.

During secondary inspection, CBP Officers moved the backrest of the seat forward, removed a cable spool and some clothing articles to reach one minor male concealed behind the seat. The minor was determined to be a citizen of Mexico without legal documents to enter the United States and is now identified as **C.M.R. (Material Witness)**.

During a video recorded interview, Defendant was advised of his Miranda Rights, acknowledged his rights and elected to answer questions without the benefit of counsel. Defendant admitted knowledge of the concealed alien. Defendant admitted he was to receive an unknown amount of money if he were successful in smuggling the minor into the United States. Defendant stated he was to drop off the minor at the Factory-2-U upon successful arrival in the United States.

During a separate video recorded interview, Material Witness declared he is a citizen of Mexico without legal rights or documents to enter the United States. Material Witness said he was going to Perris, California to reunite with his mother. Material Witness stated that a wire spool and a sweater were placed on top of him and that he could not get out of the concealed location. Material Witness stated he was instructed not to move and to be quiet.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer


UNITED STATES MAGISTRATE JUDGE